

**Remarks****Status**

Claims 1-56 were pending in the application and the Examiner rejected all of the pending claims. Claims 1, 3, 4, 6, 7, 15, 25-28, 31, 33, 39, 42, 45, 50-53 and 56 have been amended. Claims 5, 16-24, 29, 34-36, 40, 41, 44, 46-48, 54 and 55 have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 57-73 have been added. Claims 1, 50, 57 and 65 are the independent claims.

**Discussion**

The Examiner rejected claims 1-3, 8-14 25-27, 30-38, 42-44, 46, 49-52 under 35 U.S.C. §102(e) as being anticipated by *McLaughlin et al. (U.S.P. 6,212,387)*. The Applicant points out that it is well settled that a reference may anticipate a claim within the purview of 35 U.S.C. §102 only if all the features and all the relationships recited in the claim are taught by the reference either by clear disclosure or under the principle of inherency (i.e., *W.L. Gore & Assocs. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983); *Carella v. Starlight Archery*, 804 F.2d 135, 138, 231 USPQ 644, 646 (Fed. Cir.); *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); and *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). Applicant submits that *McLaughlin et al.* clearly do not teach (or suggest) all of the features and relationships recited in the claims as required for a *prima facie* case of anticipation under 35 U.S.C. §102. Accordingly, the rejections are respectfully traversed.

Independent claim 1 is directed to a communication system for communication using wireless signals including down-link signals to and up-link signals from mobile stations. The communication system includes a plurality of transceiver stations having broadcast channels and dedicated channels carried by said wireless signals. A measurement means forms measurements of said wireless signals. A zone manager includes a processor means to process said measurements to determine preferred ones of said transceiver stations for particular dedicated channels for a particular mobile station. The zone manager also includes a control means to dynamically select said preferred ones of said transceiver stations to provide said particular

Amendment

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dedicated channels for said particular mobile station separately from one of said transceiver stations providing particular broadcast channels for said particular mobile station.

The Applicant submits that *McLaughlin et al.* do not teach all of the features and relationships recited in claim 1. For example, the Applicant submits that *McLaughlin et al.* do not disclose (or suggest) said processor means of claim 1. The Examiner contends that *McLaughlin et al.* disclose the processor means of claim 1 at Col. 11, lines 4-15. The Applicant submits that the Examiner's contention is erroneous. The claim recites that said [processor means processes measurements to determine preferred transceiver stations for particular dedicated channels for a particular mobile station.] The passage referred to by the Examiner simply discloses each collector having a signal processor that receives timing information so that it can time synchronize the signals within each of a plurality of collectors by providing a time stamp. "The signal processors 42 ... provide time stamps in collector signals ... that are forwarded from interface units 46 ... as part of the reverse channel signals to the aggregator 17" (see col. 11, lines 11-15). The time stamped signals sent by each of the collectors are aggregated by the aggregator 17 in order to generate the best reverse channel signal based on each of the signals from the various collectors (see Fig. 4 and col. 11, lines 16-40).

It is clear that the passage referred to by the Examiner does not disclose or suggest a [processor means that processes measurements to determine preferred transceiver stations for particular dedicated channels for a particular mobile station,) as required by claim 1. Moreover, the Applicant submits that the entire *McLaughlin et al.* patent does not disclose or suggest the processor means recited in claim 1. Instead, *McLaughlin et al.* disclose time stamping reverse channel signals received at each of a plurality of collectors and forwarding the time stamped signals to an aggregator for processing.

The Applicant submits that *McLaughlin et al.* do not disclose (or suggest) said control means of claim 1. The Examiner contends that *McLaughlin et al.* disclose the control means of claim 1 in Fig. 1 (18) and from Col. 7, line 57 through Col. 8, line 11. The Applicant submits that the Examiner's contention is erroneous. The claim recites that said [control means dynamically selects the preferred transceiver stations to provide the dedicated channels for a particular mobile station separately from the transceiver stations providing broadcast channels for

the particular mobile station.) The passage referred to by the Examiner simply discloses that multiple collectors can be used for reverse channel communications and that the collectors that are active for a particular user is based on different parameters.

There is clearly no disclosure (or suggestion) in this passage of a control means that dynamically selects dedicated channels separate from broadcast channels, as required by claim 1. Moreover, the Applicant submits that the entire *McLaughlin et al.* patent does not disclose or suggest the control means recited in claim 1. For at least the reasons discussed above it is clear that *McLaughlin et al.* do not teach (or suggest) all the features and all the relationships recited in claim 1 either by clear disclosure or under the principle of inherency, as required for a *prima facie* case of anticipation under 35 U.S.C. §102.

Furthermore, the Applicant submits that none of the other cited references disclose or suggest the elements of claim 1 that are delinquent from the teachings of *McLaughlin et al.* Accordingly, the Applicant submits that claim 1 is patentable over *McLaughlin et al.* and the other cited references. Claims 2, 3, 8-14, 25-27, 30-33, 37, 38, 42, 43 and 49 depend from claim 1. These dependent claims are submitted to be patentable over *McLaughlin et al.* for at least the same reasons described above with respect to claim 1 and for the further features recited therein.

For example, claim 3 recites that the control means is responsive to the processed measurements for changing the dedicated channels as frequently as a signal change time determined by a frequency of the up link signals. The Examiner contends that *McLaughlin et al.* disclose the features of claim 3 at Col. 11, lines 4-15. The Applicant submits that the Examiner's contention is erroneous. As previously discussed with respect to claim 1 (processor means), this passage simply discloses each collector having a signal processor that receives timing information so that it can time synchronize the signals within each of a plurality of collectors by providing a time stamp. The Applicant submits that there is clearly no disclosure of the control means changing dedicated channels as frequently as the signal change time associated with the frequency of the up-link signal, as required by claim 3. The applicant submits that claim 3 is patentable over *McLaughlin et al.* for at least this additional reason.

Claim 13 recites that the plurality of zone managers includes a host zone manager and one or more assistant zone managers, the host zone manager operative to communicate over the

particular broadcast channels with the particular mobile station while the dedicated channels for the particular mobile station are dynamically switched among the assistant zone managers and the host zone manager. The Examiner contends that *McLaughlin et al.* disclose the features of claim 13 at Col. 12, lines 34-59. The Applicant submits that the Examiner's contention is erroneous. The passage referred to by the Examiner simply discloses that each zone manager includes a broadcaster, an aggregator and a collector group (various different collectors). Neither the passage nor the entire *McLaughlin et al.* disclosure disclose (multiple zone managers associated with one user, let alone the multiple zone managers being configured as a host and one or more assistant zone managers, communications over the broadcast channels being between the mobile station and the host zone manager, or communications over the dedicated channels being dynamically switched between all the zone managers,) as required by claim 13. The applicant submits that claim 13 is patentable over *McLaughlin et al.* for at least this additional reason.

For at least the reasons described above, claims 1-3, 8-14, 25-27, 30-3, 37, 38, 42, 43, and 49 are patentable over *McLaughlin et al.* and the other cited references. Accordingly, the rejection of claims 1-3, 8-14, 25-27, 30-3, 37, 38, 42, 43, and 49 should be withdrawn.

Claim 50 is directed to a method for communicating using wireless signals including down-link signals to and up-link signals from mobile stations. The method includes transmitting, from a plurality of transceiver stations, broadcast channels and dedicated channels over said wireless signals. Measurements of said wireless signals are formed with measurement means. A processor means processes said measurements forming processor information to determine preferred ones of said transceiver stations for particular dedicated channels for a particular mobile station. A control means dynamically selects said preferred ones of said transceiver stations to provide said particular dedicated channels for said particular mobile station separately from one of said transceiver stations providing particular broadcast channels for said particular mobile station.

The Applicant submits that *McLaughlin et al.* do not teach all of the features and relationships recited in claim 50. For example, the Applicant submits that *McLaughlin et al.* do not disclose (or suggest) said processing or said dynamically selecting of claim 50. The rejection

of claim 50 is based on the same passages as that of claim 1 and therefore the Applicant submits *McLaughlin et al.* do not disclose or suggest the features of claim 50 for at least similar reasons to those addressed above with respect to claim 1.

Accordingly, the Examiner has not established the *prima facie* case of anticipation under 35 U.S.C. §102 (all the features and all the relationships recited in claim 50 disclosed either by clear disclosure or under the principle of inherency). Furthermore, the Applicant submits that none of the other cited references disclose or suggest the elements of claim 50 that are delinquent from the teachings of *McLaughlin et al.*

The Applicant therefore submits that claim 50 is patentable over *McLaughlin et al.* and the other cited references. Claims 51 and 52 depend from claim 50. These dependent claims are submitted to be patentable over *McLaughlin et al.* and the other cited references for at least the same reasons described above with respect to claim 50 and for the further features recited therein. The Applicant respectfully submits that the rejection of claims 50-52 be withdrawn.

The Examiner rejected claims 6, 7, 18, 19 and 53-56 under 35 U.S.C. §103(a) as being unpatentable over *McLaughlin et al.* in view of *Chavez et al.* (USP 6,070,071); claims 12, 28, 29, 39 and 40 under 35 U.S.C. §103(a) as being unpatentable over *McLaughlin et al.* in view of *Kao* (USP 6,175,737); claims 4, 5, 15-24, 41, 47 and 48 under 35 U.S.C. §103(a) as being unpatentable over *McLaughlin et al.* in view of *Howard et al.* (USP 5,715,516); and claim 45 under 35 U.S.C. §103(a) as being unpatentable over *McLaughlin et al.* in view of *Ueno et al.* (USP 5,661,723). The rejections are respectfully traversed.

Initially it is pointed out that the Examiner does not rely on *Chavez et al.*, *Kao*, *Howard et al.*, or *Ueno et al.* for disclosing or suggesting the deficiencies in the teachings of *McLaughlin et al.* The Applicant submits that *Chavez et al.*, *Kao*, *Howard et al.*, and *Ueno et al.* either taken alone or in any reasonable combination do not disclose these deficiencies. Accordingly, even assuming arguendo that *Chavez et al.*, *Kao*, *Howard et al.*, and *Ueno et al.* disclose the features that the Examiner contends that they disclose (without conceding or acknowledging disclosure of these features), and that there is motivation to combine the references (without conceding or acknowledging that such motivation is sufficient), the combination will still not disclose or

suggest all of the features of independent claims 1 and 50 from which these claims depend. Accordingly, the Applicant submits that claims 4-7, 12, 15, 28, 39, 45, 53 and 56 are patentable over the cited references. Applicant respectfully submits that the rejection of claims 4-7, 12, 15, 28, 39, 45, 53 and 56 should be withdrawn.

Claim 57 is directed to a communication system for providing wireless communications with mobile devices. The system includes a plurality of transceiver stations to communicate with mobile stations. The plurality of transceiver stations communicate via broadcast channels and dedicated channels. One of the plurality of transceiver stations having best radio access to a first mobile station will be designated a host transceiver station for the first mobile station. The host transceiver will provide the broadcast channels for communication with the first mobile station. A plurality of processors associated with said plurality of transceivers manage communications. One of the plurality of processors associated with the host transceiver station will be a host processor for the first mobile station. The host processor dynamically selects one or more of the plurality of transceiver stations to provide the dedicated channels for communications with the first mobile station based on signal measurements. The dynamic selection of transceiver stations to provide the dedicated channels does not affect the host transceiver providing the broadcast channels.

The Applicant submits that none of the cited references, whether taken alone or in any reasonable combination, disclose or suggest all of the elements of claim 57. For example, none of the references disclose the dynamic selection of transceivers to provide the dedicated channels (see discussion above with respect to claim 1). Accordingly, the Applicant submits that claim 57 is clearly patentable over the cited references. Claims 58-64 depend from claim 57 and are submitted to be patentable over the prior art for as least the reasons addressed with respect to claim 57 and for the further features recited therein. Accordingly, the Applicant submits that claims 58-64 are clearly patentable over the cited references.

Claim 65 is directed to a processor for use in a communication system for providing wireless communications with mobile devices. The processor includes a transceiver interface to

receive signals from an associated transceiver and to provide instructions to the associated transceiver. The signals received from the associated transceiver include uplink signals from mobile devices. A controller interface communicates with a controller. The communications with the controller include assignment of a host transceiver and host processor for a particular mobile device. The host transceiver communicates with the particular mobile device via broadcast channels. A processor interface communicates with a plurality of other processors. The communications related to the particular mobile device include receipt of measurement signals related to the particular mobile station and transmission of instructions if said processor is the host processor, and includes receipt of instructions from a host processor and transmission of measurement signals associated with the particular mobile station to the host processor if said processor is not the host processor. A signal processor, active for the particular mobile device when said processor is the host processor, processes the measurement signals received from at least some subset of the plurality of other processors and the measurement signal from said processor. A selector dynamically selects an assistant processor and associated assistant transceiver to provide communications with the particular mobile device via dedicated channels based on the processed measurement signals.

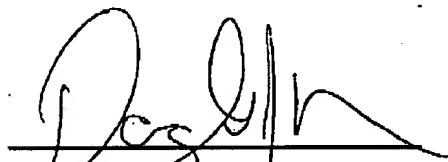
The Applicant submits that none of the cited references, whether taken alone or in any reasonable combination, disclose or suggest all of the elements of claim 65. For example, none of the references disclose the selector to dynamically select transceivers to provide the dedicated channels (see discussion above with respect to claim 1). Accordingly, the Applicant submits that claim 65 is clearly patentable over the cited references. Claims 66-73 depend from claim 65 and are submitted to be patentable over the prior art for as least the reasons addressed with respect to claim 65 and for the further features recited therein. Accordingly, the Applicant submits that claims 66-73 are clearly patentable over the cited references.

**Conclusion**

For the foregoing reasons, Applicant respectfully submits that claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53 and 56-73 are in condition for allowance. Accordingly, early allowance of claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53 and 56-73 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,



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